

CITY OF LYNN

Regular City Council Meeting – June 23, 2015 Council President Daniel F. Cahill, Presiding

Ten Councillors Present (Councilor Capano absent).

Moment of Silence. Councilor Barton asked that the McCoy Family be remembered in their prayers.

Pledge of Allegiance.

Motion made by Councilor Colucci and seconded by Councilor Net to accept the Meeting Minutes of June 9, 2015.

Motion carried.

Motion made by Councilor Lozzi and seconded by Councilor Trahan to present the St. Mary's Baseball Team with Certificates in recognition of winning the "2015 High School Baseball Division 3 State Championship" title.

Council President Cahill stated that Councilor Capano would not attend this evening's meeting as he was delayed in New York working on negotiations for G.E.

PUBLIC HEARINGS:

Public Hearing on the FY'16 City of Lynn Budget

The following appeared in Favor:

Her Honor the Mayor, Judith Flanagan Kennedy

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Colucci and seconded by Councilor Barton to Order that the amount of \$292,712,740.00 is hereby appropriated from property taxes, local aid, and other local receipts to fund the Mayor's FY'2016 Budget, as amended and approved to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Public Hearing on the Abandonment of a Portion of Day Street.

The following appeared in Favor:

Attorney Thomas Demakis

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Colucci and seconded by Councilor Trahan to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Petition of Kerri's Cookies & Candies, Kerri Surette for permission to install commercial appliances in a space not previously occupied as a kitchen at 271 Western Avenue, Suite BR-2, Hours M-F 9:30 a.m. – 5:30 p.m. and Saturday 9:00 a.m. – 2:00 p.m.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Lozzi and seconded by Councilor Trahan to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Petition of Nina's Market, Baseem Nsier, for a sign permit at 51 Essex Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Cyr and seconded by Councilor Trahan to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of National Grid, Rafael Panos, for permission to install approximately 15' +/- of 2-4" concrete encased conduits from existing Pole 17 North Federal Street to customer's private property to provide service to 47 North Federal Street. (Ford)

-Petition of Islamic Society of the North Shore, M. Hague, for permission for a sign permit at 35 Lynnfield Street.

Motion made by Councilor Colucci and seconded by Councilor Barton to set down for Public Hearings.

Motion carried.

COMMITTEE REPORTS:

Report of the June 23, 2015 Committee on Education and Environmental Affairs recommending the following to be accepted:

Ordered that the City Comptroller be and is hereby authorized to appropriate the sum of SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (750,000.00)

From the Account of FREE CASH

\$750,000.00

To the Account of Pickering Middle School TBD \$750,000.00

This transfer is to fund a Feasibility Study into possible locations for the construction of the new Pickering Middle School. The ultimate construction of the new Pickering Junior High School is contingent upon approval and funding from the Massachusetts School Building Authority. It is understood that the Massachusetts School Building Authority may not treat costs incurred in conducting the Feasibility Study as a Reimbursable Expense. It is specific the intention of the City of Lynn that the City of Lynn will include the sum of \$750,000.00 in any future Bond Order to fund the City's share of the construction costs for the new Pickering Middle School. Said \$750,000.00 which is to be included for reimbursement in any future Bond Order approved by the voters of the City of Lynn shall be deposited in the City of Lynn General Fund to reimburse the City of Lynn for costs incurred as result of the Feasibility Study.

Councillor Lozzi attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order that the City Comptroller be and is hereby authorized to appropriate the sum of Seven Hundred Fifty Thousand Dollars and Zero Cents (\$750,000.00 from the Account of Free Cash in the amount of \$750,000.00 to the Account of Pickering Middle School in the amount of \$750,000.00. This transfer is to fund a Feasibility Study into possible locations for the construction of the new Pickering Middle School. The ultimate construction of the new Pickering Junior High School is contingent upon approval and funding from the Massachusetts School Building Authority. It is understood that the Massachusetts School Building Authority may not treat costs incurred in conducting the Feasibility Study as a Reimbursable Expense. It is specific the intention of the City of Lynn that the City of Lynn will include the sum of \$750,000.00 in any future Bond Order to fund the City's share of the construction costs for the new Pickering Middle School. Said \$750,000.00 which is to be included for reimbursement in any future Bond Order approved by the voters of the City of Lynn shall be deposited in the City of Lynn General Fund to reimburse the City of Lynn for costs incurred as result of the Feasibility Study. THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

REPORT ACCEPTED.

Report of the June 23, 2015 Committee on Government Administration recommending the following to be accepted:

**Motion to set down Public Hearing before the full Council on a proposed Ordinance Reorganizing the Office of the City Solicitor. – Granted.
REPORT ACCEPTED.**

Report of the June 23, 2015 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller be and is hereby authorized to take the following action:

Certify as an “Available Fund” the amount of One Million Two Hundred Seventeen Thousand Seven Hundred Dollars and Zero Cents (\$1,217,700.00) as allotted to the City of Lynn by the Massachusetts School Building Authority. These funds are to be used for Roof Repairs at the Harrington Elementary School.

Councilor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer certifying as an “Available Fund” the amount of One Million Two Hundred Seventeen Thousand Seven Hundred Dollars and Zero Cents (\$1,217,700.00) as allotted to the City of Lynn by the Massachusetts School Building Authority. These funds are to be used for Roof Repairs at the Harrington Elementary School.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Certify as an “Available Fund” the amount of Six Hundred Four Thousand Dollars and Zero Cents (\$604,000.00) as allotted to the City of Lynn by the Massachusetts School Building Authority and these funds are to be used for Roof Repairs at the Connery Elementary School.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer certifying as an “Available Fund” the amount of Six Hundred Four Thousand Dollars and Zero Cents (\$604,000.00) as allotted to the City of Lynn by the Massachusetts School Building Authority and these funds are to be used for Roof Repairs at the Connery Elementary School.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Certify as an "Available Fund" the amount of One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund the FY16 Tobacco Grant. Grant period 7/1/15-6/30/16.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer certifying as an "Available Fund" the amount of One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund the FY16 Tobacco Grant. Grant period 7/1/15-6/30/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Certify as an "Available Fund" the amount of One Million Four Hundred Eighty Seven Thousand Five Hundred Dollars and Zero Cents (\$1,487,500.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund the FY16 Prevention and Wellness Trust Fund Grant Program. Grant Period 7/1/15 – 6/30/16.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer certifying as an "Available Fund" the amount of One Million Four Hundred Eighty Seven Thousand Five Hundred Dollars and Zero Cents (\$1,487,500.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund the FY16 Prevention and Wellness Trust Fund Grant Program. Grant Period 7/1/15 – 6/30/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Certify as an "Available Fund" the amount of Seventy Six thousand Nine Hundred Ninety Four Dollars and Zero Cents (\$76,994.00) as allotted to the City of Lynn Health Department by the Executive Office of Health and Human Services (EHS) to fund a grant amendment for the FY15 Safe and Successful Youth Initiative Grant. Grant Period is 5/13/15 – 9/30/15.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer certifying as an "Available Fund" the amount of Seventy Six thousand Nine Hundred Ninety Four Dollars and Zero Cents (\$76,994.00) as allotted to the City of Lynn Health Department by the Executive Office of Health and Human Services (EHS) to fund a grant amendment for the FY15 Safe and Successful Youth Initiative Grant. Grant Period is 5/13/15 – 9/30/15.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Transfer the sum of Forty Eight Thousand Dollars and Zero Cents (\$48,000.00) from ISD Payroll to Street Light expense.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the amount of Forty Eight Thousand Dollars and Zero Cents (\$48,000.00) from ISD Payroll to Street Light expense.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Capano absent).

Transfer the sum of Sixty Five Thousand Dollars and Zero Cents (\$65,000.00) from ISD Payroll to ISD Expense.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the amount of Sixty Five Thousand Dollars and Zero Cents (\$65,000.00) from ISD Payroll to ISD Expense.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Capano absent).

Transfer the sum of Six Hundred Dollars and Zero Cents (\$600.00) from the Reserve Account to the IT Payroll Account.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial transfer in the amount of Six Hundred Dollars and Zero Cents (\$600.00) from the Reserve Account to the IT Payroll Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Capano absent).

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Capano absent).

Report of the June 23, 2015 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Aden, Ayanle, 139 Lawton Avenue #7- **Granted**

Iovanne, Robert, 100 Willow St. – **Granted**

Arias Rivera, 80 Sagamore Street - **Granted**

LIVERY OPERATOR (NEW)

Fontenot, Lashawn, 563 Boston St. - **Granted**

PUBLIC HEARINGS - EXTENDED HOURS

60 Boston St., McDonald's- **Granted**

65 Boston St., CVS Pharmacy- **Granted**

80 Boston St., Dunkin Donuts- **Granted**

108 Boston St., Burger King- **Granted**

116 Boston St., Wendy's Restaurant- **Granted**

122 Boston St., Boston Shell- **Granted**

124 Broad St., George Roast Beef- **Granted**

512 Chestnut St., Ghemwa Inc./Lynn Mobil- **Granted**

668 Chestnut St., Cumberland Farms- **Granted**

264 Essex St., 7-11 Convenience- **Granted**

61 Franklin St., Caribe Restaurant - **Tabled**

120-122 Liberty St., Hess Oil- **Granted**
 3 Lynnfield St. 7-11 Convenience- **Granted**
 364 Lynnway, Dunkin Donuts- **Granted**
 377 Lynnway, Wendy's Restaurant- **Granted**
 525 Lynnway, ESE Energy, D/B/A Spiros Energy- **Granted**
 535 Lynnway, Lynnway Shell/Nouria Energy- **Granted**
 567 Lynnway, McDonald's- **Granted**
 16 Market Square, Lynn House of Roast Beef - **Granted**
 17 Market Square, People's Choice- **Granted**
 50 Western Ave., 7-11 Convenience- **Granted**
 707 Western Ave., Domino's- **Granted**
 709 Western Ave., Subway- **Granted**
 969 Western Ave., A.L. Prime Energy- **Granted**

SIGN LICENSE-RENEWAL

451 Chestnut St., Lynn EZ Food Mart, Inc (EZ Shop) - **Granted**
 423 Eastern Ave., A & R Variety Inc. (Norm's Variety) - **Granted**
 274 Essex St., Couture Nails- **Granted**
 585 Essex St., Richdale - **Granted**
 60 Granite St., Bayridge Hospital- **Granted**
 234 Lynnfield St., Salon 234 Salon & Spa- **Granted**
 335 Union St., Vecina Beauty Supply- **Granted**
 340 Washington St., Express Check Out (Khodiyar Corp.) - **Granted**
 209 Washington St., Family Market- **Granted**
 444 Western Ave., C & C Machinery Inc. - **Granted**
 793 Western Ave., Salvy The Florist- **Granted**

AUTO BODY – AUTO REPAIR – FLAMMABLE –RENEWAL

46 Bennett St. – Tatiana's Auto Body- **Granted**
 47 Bennett St. – Auto Work Collision Center- **Granted**

AUTOMOBILE DEALER – AUTO BODY LICENSE

8 Burrus Sq. – Meadow Park Auto Sales (30 DAY REVIEW FROM MAY 26, 2015 MEETING) – OK to next review.

OTHER BUSINESS

Babe Ruth Baseball (All Stars) – (Adults Only) – June 25, 26, 27, 2015 - **Granted**
 REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councilor Cyr and seconded by Councilor Trahan to set down a Public Hearing for the Festa Italiana at Holy Family Church on August 13, 14, 15, 2015. Motion carried.

Councilor Cyr reminded the Councilors that the city's "Dumpster Day" was scheduled on July 18, 2015 from 7:00 a.m. to 2:00 p.m.

Motion made by Councilor Colucci and seconded by Councilor Lozzi to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK